THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No.1466 OF 2005

Dt:05.09.2005

Between:

The Depot Manager and others

.. Appellants

and

G.S.N.Murthy

.. Respondent

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No.1466 OF 2005

JUDGMENT: (per the Hon'ble Sri. Justice B. Prakash Rao)

Heard Ms. B.G. Uma Devi, learned standing counsel appearing for APS RTC and Sri A. Sanjeev Kumar, learned counsel for the respondent.

In this appeal, the appellants-APS RTC seek to assail the order, dated 13.07.2004, allowing W.P.No.11575 of 2004, directing the first appellant to conduct regular departmental enquiry and take appropriate decision as per the Rules and Regulations of the Corporation.

The main grievance of the appellants is that the appellants-Corporation was not given any opportunity to contest the matter on merits.

According to the respondent, since no proper enquiry was conducted, the order stopping two increments for a period of two years in respect of the charges levelled against him is vitiated. The said plea has been accepted by the learned Single Judge. The learned counsel for the appellants contends that after conducting domestic enquiry, final orders have been passed imposing the punishment of reduction of pay by two increments for a period of two years. Against which, the respondent availed all the remedies, including appeal, revision etc. and the same have also been disposed of. In the circumstances, it is stated that there are no grounds warranting interference by this Court under Article 226 of the Constitution of India in the writ petition.

Having heard the learned counsel on either side and having perused the material available on record, it is seen that no doubt the writ petition was disposed of at the admission stage and that the appellants were not given opportunity to file any counter-affidavit. The plea, as sought to be raised in respect of the correctness or otherwise of the punishment imposed vis-à-vis the allegations made against the respondent, requires to be gone into afresh in the writ petition.

In view of the same, the writ appeal is allowed. The impugned order dated 13.07.2004 is set aside. The office is directed to post the matter before the appropriate Court for admission.

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(B.PRAKASH RAO.J)

(DR.G.YETHIRAJULU.J)

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Dt.05.09.2005